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LEGISLATIVE REPORT.

THE LAW OF DIVORCES.

The Committee on the Judiciary, to which was referred a Resolution instructing them "to inquire into the propriety of extending the power of the Superior Courts of this State in granting Divorces"—and also a Resolution instructing them to report a Bill providing that, in all applications hereafter for Divorces, the cause set forth in the petition shall be regarded by the Courts as a *matter of fact*; and, if adjudged by a Jury to be sufficient, that the Court shall pronounce a divorce, according to the verdict, either from the bonds of matrimony, or from bed and board—having considered the same, respectfully REPORT:

That the object of these Resolutions is to institute an inquiry whether the jurisdiction in all cases of Divorce cannot, with propriety, be transferred to the Courts, instead of the Legislature. If a literal construction had been given to the Act of 1827—by which the Superior Courts have sole and exclusive jurisdiction in all cases of applications for divorce, whenever they may be satisfied, upon due evidence presented, of the justice of such application—this object would seem to have been attained. But that Act having afforded no rule or standard by which the Courts, in the exercise of this unlimited discretion, should be regulated, they have settled on a construction which narrows the exercise of the power in the Courts, to divorce, to limits which embrace little more than the cases for which, under the Act of 1814, divorces are allowed. If we are to judge from the general phraseology of the Act of 1827, this construction has, to some extent, defeated the intention of the Legislature—although it is scarcely possible that the Courts, which are usually governed by fixed rules, could have concurred in a different construction of an Act which invests them with the most wild and unguarded discretion in a matter involving the morals and welfare of the whole community. This adjudication having been made, it now becomes necessary to inquire whether the Legislature will again invest the Courts with unlimited power on the subject of Divorce—and whether it will establish any rules governing them in the exercise of this power; for, without these standards, the power would be ineffectual. This is the inquiry submitted to the Committee: and, in the investigation of the subject, they find it involved in more difficulty than a superficial attention would indicate. On the one side, the Committee are sensible that the title of the General Assembly is very improperly consumed, by hearing the frequent applications for divorces, which are submitted for its consideration. That if the Legislature have the power to divorce, which is well doubted, it is very obvious that it is a trifling every way unfitted for its exercise—whereas, if it were attempted but on the most extraordinary occasions—that injustice is often done to one or the other of the parties, and other persons interested in the most solemn contract known to the law, and enforced by every obligation of morals and religion. On the other hand, to vest the Courts with unlimited discretion (which is the only mode to effect the object contemplated by the resolutions) in the power to divorce, with an injunction that the power shall be effectual, without defining the limits and prescribing the standards according to which this discretion shall be directed, would be productive of the most ruinous and embarrassing results. The law, in its operation, would be destitute of the first essential principle of all legislation in a government of laws, uniformity in their administration. The discretion of each Judge would be his rule of action—which would be equivalent to no rule at all—for this discretion must necessarily be as unfixed and fluctuating as the hearts and understandings of the Judges are different from each other—applicants for divorce would be rejected, or granted, by no uniform rule—the decision of to-day would be reversed tomorrow—and the whole subject would be thrown into confusion and uncertainty. The demoralizing tendency of such results are apparent on the slightest attention. All experience, as well as theory, has established the justice of the policy which prevents, as far as possible, the separation of man and wife—and has shown the unhappy consequences on the community, which a knowledge of the facility with which divorces may be obtained, must inevitably produce. It impairs the sanctity and degrades the imposing character of the marriage vow; by which, in law, so perfect is the union, two persons are declared to be one—and in religion, so holy is the ordinance, no separation is allowed of that which God has joined together. The knowledge that the grant of a prayer for divorce rested in the discretion of a single Judge, would widen the breaches in the circle of domestic happiness—and create imaginary cause of offence, from the least breath of passion, to the stain of deepest dye on married life, would be sought after, and pursued as a pretext for judicial interference. Sincerity of affection would be supplanted by alienation; and occasional unhappiness, caused by momentary folly or indiscretion, would find no hope of relief in the spirit of reconciliation; the doors of domestic concord would be opened, and seldom closed again. To know that the tie, when once made, is indisposed to mutual exertion to render each other happy, and produce a spirit of contentment with their lot.

It is for these reasons—which relate to the policy of the question—that the Committee believe it would be wise in the Legislature to restrict, as far as possible, if not altogether, the power to divorce. And hence it is, that although, by the Act of 1827, unlimited power is apparently given the Superior Courts, they have properly refrained from its exercise in favor of divorces, except in cases designated by the Legislature before the Act of 1827, and in cases of like kind. To say that a divorce should be granted whenever a proof was made out, according to the discretion of the Judge, and without any fixed and uniform principles known to the law, would be productive

of all the evils alluded to. It would be impossible, in practice, that this discretion could be safely controlled. And it has been fortunate that the pernicious effect of the Act of 1827, if literally construed and enforced, has been arrested by the caution and wisdom of the Judges, in confining its operation to prescribed limits.

But it may be asked—Cannot the Assembly fix the rule to govern this discretion in the Judges, and specify the cases in which, in the opinion of the Legislature, divorces should be granted? Cannot the Legislature frame a law with such provisions, as, in effect, to diminish the number of applicants to this body, and at the same time restrict the power of divorce in the Courts? To this, the Committee answer, by inquiring whether it be consistent with sound policy in the Legislature, to extend the power to divorce at all, beyond its present limits, as fixed by the adjudications of the Courts, and the cases now designated by law? If not, then there is an end to the question. If it is safe to enlarge this power, then the Committee are met with the obvious suggestion whether it be practicable to enumerate and classify all the cases proper to be heard by the Courts—so as to embrace all applications, and prevent entirely the necessity of legislative interference. The Committee believe that it would not be practicable to meet every variety of case—and, should the causes of divorce be defined, unless the application came wholly within the definition, it must be refused, for reasons now given by the Courts, and by virtue of a construction which has for its object the wise policy of preserving the marriage obligation sacred and inviolate. The Committee, are satisfied that the adoption of any principle which would destroy or weaken this policy, would be most inexpedient and injudicious in the Legislature.

As to the Resolution which suggests that the Jury, instead of the Judge, are to be invested with the discretion of declaring whether the causes set forth in an application for divorce are sufficient or not, the reasons which induce the Committee to believe that it would be improper to entrust the Judge with this dangerous power, are still more forcibly and obviously true when applied to the Jury.

The Committee conclude with the conviction that it is bad policy to extend the power of Divorce beyond the limit of the present law, and ask to be discharged from the further consideration of the Resolutions.

Respectfully submitted.

D. M. BARRINGER, Chairman.

CONVENTION BILL.

AN ACT

Concerning a Convention to amend the Constitution of the State.

Whereas the General Assembly of North Carolina have reason to believe that a large portion, if not a majority, of the free men of the State are anxious to amend the Constitution thereof, in certain particulars hereinafter specified; and whereas, while the General Assembly disclaim all right and power in themselves to alter the fundamental law, they consider it their duty to adopt measures for ascertaining the will of their constituents, and to provide the means for carrying that will into effect, when ascertained; therefore

Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of each and every county in the State, at the first term that shall be held after the first day of January, 1835, shall appoint two inspectors to superintend the polls to be opened at each and every election precinct in said counties, for ascertaining, by ballot, the will of the free men of North Carolina relative to the meeting of a State Convention. And if any court or courts should fail to make such appointments, or if any inspector so appointed shall fail to act, it shall be the duty of the sheriff, or the person acting as his deputy on such occasion, with the advice of one justice of the peace, or, if none be present, with the advice of three freeholders, to appoint an inspector or inspectors in the place of him or them who fail to act, which inspectors, when duly sworn by some justice of the peace, or freeholder, to perform the duties of the place with fidelity, shall have the same authority as if appointed by the court.

II. Be it further enacted, That it shall be the duty of the sheriffs of the respective counties in this State to open polls at the several election precincts in said counties on Wednesday and Thursday, the 1st and 2d of April next; when and where all persons qualified by the Constitution to vote for members of the House of Commons may vote for or against a State Convention; those who wish a Convention voting with a printed or written ticket "Convention," and those who do not want a Convention, voting, in the same way, "No Convention," or "Against Convention."

III. Be it further enacted, That it shall be the duty of the sheriffs to make duplicate statements of their polls in their respective counties, sworn to before the Clerk of the County Court, one copy of which shall be deposited in said clerk's office, and the other copy transmitted to the Governor of the State, at Raleigh, immediately after the election.

IV. Be it further enacted, That it shall be the duty of the Governor, as soon as he shall have received the returns of the sheriffs, in the presence of the Secretary of State, Public Treasurer, and Comptroller, to compare the number of votes for and against a Convention; and if it shall appear that a majority of the votes polled are in favor of it, he shall forthwith publish a proclamation of the fact in such of the newspapers as he may think proper; and shall issue a writ of election to every sheriff of the State, requiring him to open polls for the election of Delegates in the Convention at the same places, and under the same rules as prescribed for holding other State elections, and at such time as the Governor may designate.

V. Be it further enacted, That the same per-

sons who were appointed to hold the polls in taking the vote on Convention, shall hold them for the election of Delegates; provided, that if any of such inspectors shall fail to attend or act, the sheriffs and their deputies shall supply their places in the manner herein before pointed out.

VI. Be it further enacted, That the several County Courts shall allow the sheriffs the same compensation for holding said elections that they usually allow for holding other State elections.—And if any sheriff or other officer appointed to hold said elections shall fail to comply with the requisitions of this Act, he shall be liable to a fine of one thousand dollars, recoverable before any competent jurisdiction, to the use of the county whose officer he is. And it shall be the duty of the county solicitors to prosecute such suits.

VII. Be it further enacted, That all persons qualified to vote for members of the House of Commons, under the present Constitution, shall be entitled to vote for members to said Convention. And all free white men of the age of twenty-one years, who shall have been resident in the State one year previous to, and shall continue to be so resident at the time of election, shall be eligible to a seat in said Convention: Provided he possess the freehold required of a member of the House of Commons under the present Constitution.

VIII. Be it further enacted, That each county in this State shall be entitled to elect two Delegates to said Convention, and no more.

IX. Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy; and the delegates shall convene in or near the city of Raleigh, on the first Thursday in June next; and provided that a quorum does not attend on the day, the delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

X. Be it further enacted, That no Delegate elect shall be permitted to take his seat in Convention until he shall have taken and subscribed the following oath or affirmation: I, A. B., do solemnly swear, (or affirm, as the case may be) that I will not, either directly or indirectly, evade or disregard the duties enjoined, or the limits fixed to this Convention, by the people of North Carolina, as set forth in the Act of the General Assembly passed in 1834, entitled "An Act concerning a Convention to amend the Constitution of the State of North Carolina," which Act was ratified by the people; so help me God.

XI. Be it further enacted, That the Public Treasurer be, and he is hereby, authorized to pay, upon the warrant of the Governor, such sums of money as may be necessary for the contingent charges of the Convention; and also to pay each member of Convention one dollar and fifty cents per day during his attendance thereon, and five cents for every mile he may travel to and from the Convention.

XII. Be it further enacted, That it shall be the duty of the Governor, immediately after the ratification of this Act, to transmit a copy to each County Court Clerk in the State, and cause it to be published until the meeting of the Convention, in the newspapers of the State.

XIII. Be it further enacted, That the following propositions shall be submitted to the people for their assent or dissent to the same; the former of which shall be understood as expressed by the votes "for Convention," and the latter by the vote "no Convention," at the time and in the mode herein before provided, to wit: That the said Convention, when a quorum of the delegates who shall be elected and assembled, shall frame and devise amendments to the Constitution of this State, so as to reduce the number of members in the Senate to not less than thirty-four or more than fifty, to be elected by districts; which districts shall be laid off at convenient and prescribed periods, by counties, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof: Provided, that no county shall be divided in the formation of a senatorial district; and when there are one or more counties having an excess of taxation above the ratio required to form a senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient, and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a senatorial district. 2d. That the said Convention shall form and devise a further amendment to the said Constitution, whereby to reduce the number of members in the House of Commons to not less than ninety nor more than one hundred and twenty, exclusive of borough members, which the Convention shall have the discretion to exclude in whole or in part; and the residue to be elected by counties or districts, or both, according to their federal population, viz. according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and the enumeration to be made at convenient and prescribed periods; but each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population. 3rd. That the said Convention shall also frame and devise amendments to said Constitution, whereby it shall be made necessary for persons voting for a Senator, and persons eligible to the Senate, to possess the same residence and freehold qualifications respectively, in the senatorial district, as is now required in the county: Provided, that they shall not in any manner disqualify any of the free white men of this State from voting for members in the House of Commons, who are qualified to vote under the existing Constitution of this State. 4th. That said Convention may also consider of, and, in their discretion, propose the following other amendments to the said Constitution, or any of them, to wit: So as, 1st. To abrogate or restrict the right of free negroes or mulattoes to vote for members of the Senate or House of Commons. 2d. To disqualify

members of the Assembly and officers of the State, or those who hold places of trust under the authority of this State, from being or continuing such while they hold any other office or appointment under the Government of this State or of the United States, or any other Government whatsoever. 3rd. To provide that capitation tax on slaves and free white polls shall be equal throughout the State.—4th. To provide for some mode of appointing and removing from office militia officers and justices of the peace, different from that which is now practiced. 5th. To compel the members of the General Assembly to vote *sce in* the election of officers whose appointment is conferred on that body. 6th. To amend the thirty-second article of the Constitution of the State. 7th. To provide for supplying vacancies in the General Assembly of this State, when such vacancies occur by resignation or death, or otherwise, before the meeting of the General Assembly. 8th. To provide for biennial meetings instead of annual meetings of the General Assembly; and if they shall determine on biennial sessions, then they may alter the Constitution in such parts of it as require the annual election of members of Assembly and officers of State, and the triennial election of Secretary of State, and provide for their election every two years. 9th. To provide for the election of Governor of the State by the qualified voters for the members of the House of Commons; and to prescribe the term for which the Governor shall be elected, and the number of terms during which he shall be eligible. And the said Convention shall adopt ordinances for carrying into effect the amendments which shall be made; and shall submit such amendments to the determination of all the qualified voters of the State; but they shall not alter any other article of the Constitution or Bill of Rights, nor propose any amendments to the same, except those which are herein before enumerated.

XIV. Be it further enacted, That if a majority of voters at the election first directed to be held by this Act shall be found "for Convention," it shall be considered and understood that the people, by their vote as aforesaid, have conferred on the delegates to said Convention the power and authority to make alterations and amendments in the existing Constitution of the State, in the particulars herein enumerated, or any of them, but in no others.

XV. Be it further enacted, That the said Convention, after having adopted amendments to the Constitution in any or all of said particulars, shall prescribe some mode for the ratification of the same, by the people or their representatives; and shall prescribe all necessary ordinances and regulations for the purpose of giving full operation and effect to the Constitution as altered and amended.

XVI. Be it further enacted, That the Convention shall provide in what manner amendments shall in future be made to the Constitution of the State.

Read three times and ratified in General Assembly, 6th January, 1835.

WM. J. ALEXANDER, S. H. C.
WM. D. MOSELEY, S. S.

AN ACT

Supplemental to an Act, passed at the present session, entitled An Act concerning a Convention to amend the Constitution of the State of North Carolina.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the following propositions shall be submitted to the people for their assent or dissent, in the same manner, and under the same forms, regulations, and restrictions, as were prescribed and adopted in an Act, passed at the present session, entitled "An Act concerning a Convention to amend the Constitution of the State of North Carolina." That the said Convention may, in their discretion, devise and propose the following amendments to the said Constitution, or any of them, so as, 1st. To provide that the Attorney General shall be elected for a term of years. 2nd. To provide a tribunal whereby the Judges of the Supreme and Superior Courts, and other officers of the State, may be impeached and tried for corruption and mal-practices in office.—3rd. To provide that upon conviction of any justice of the peace of any infamous crime, or of corruption and mal-practice in office, his commission shall be vacated, and said justice rendered forever disqualified from holding such appointment. 4th. To provide for the removal of any of the Judges of the Supreme or Superior Courts, in consequence of mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the Legislature. 5th. To provide that the salaries of the Judges shall not be diminished during their continuance in office. 6th. And to provide against unnecessary private legislation. 7th. To provide that no judge of the Supreme or Superior Court shall, whilst retaining their judicial office, be eligible to any other, except to the Supreme Court Bench.

II. And be it further enacted, That should the people decide in favor of a call of a Convention, as is provided for in the before referred to Act, the said Convention is hereby authorized and empowered to consider of, and in their discretion propose, the above additional amendments to the said Constitution, or any of them.

Read three times and ratified in General Assembly, 9th January, 1835.

WM. J. ALEXANDER, S. H. C.
WM. D. MOSELEY, S. S.

More Man-Worship.—The following disgusting sentence occurs in a letter written by a Mr. R. G. Harris, to the recent Van Buren Convention held in Mississippi:

"Andrew Jackson has more friends in Mississippi than ever he had. All the Old Hero has to do is to be faithful unto death, and we will give him a Crown of Glory!"

STATE LEGISLATURE.

(COMPILED EXCLUSIVELY FROM THE RASHERS.)

Saturday, January 10, 1835.

[A part of the proceedings of this day was published in our last paper; the following additional proceedings were not received in season to appear at that time, and is given now in order to complete our Journal of proceedings for that day.—Ed.]

HOUSE OF COMMONS.

Mr. Slade presented the following resolutions: Whereas the Legislature, at its session in the year 1823, passed a resolution in the following words: "Resolved, That the Secretary of State be, and he is hereby, directed to issue to the Trustees of the University of this State, warrants in each case on the muster roll of the continental line of this State, where warrants have not heretofore issued; and that the said Trustees hold the same, and the lands to be entered by virtue thereof, in trust for the officers and soldiers who performed the military services for which said warrants shall issue: Provided, that if no claim be exhibited by the said officers or soldiers, or their legal representatives, within seven years from the 1st day of January next, the said trust shall cease and determine." And whereas the limitation in the said resolution has expired, and many honest claimants to said lands, warrants, or lands founded on them, yet exist: Therefore,

Resolved, that a Select Committee be raised for the purpose of inquiring into the necessity of legislation on this subject, and report to this House the result of such inquiry.

The resolution was adopted, and Messrs. Slade, Haywood, Barringer, Henderson, and Outlaw, appointed the Select Committee.

The House proceeded to the order of the day, and took up the resolutions heretofore submitted by Mr. Henderson, relating to the public lands. Mr. Bragg moved that the said resolutions lie on the table; which was negatived, 77 to 40. Mr. J. W. Guinn moved that they be made the order of the day for Monday next; which was not agreed to—81 to 40. Four ineffectual motions were successively made to adjourn. Mr. Haywood then moved that the resolutions be amended so as to read as follows; but before the question was taken, the House adjourned.

Resolved, as the opinion of this General Assembly, that the public domain of the United States, which was ceded to the National Government by this State and by the other States, is a trust fund, which belongs to the States, according to the terms of the several Acts of cession; and it would be a breach of faith by the National Government if these lands should, by any Act of Congress, be directly or indirectly given to the new States in which these lands are located, without the previous assent of the other States.

Resolved further, That the public domain of the United States, which was purchased by the General Government, is of right the common property of the States; and any Act of Congress by which those lands shall be directly or indirectly given to the new States in which those lands are located, without the previous assent of the others, would be a violation of the rights of the other States.

Resolved, That whenever the proceeds of the public lands shall not be wanted for the legitimate purposes of the National Government, being provision, consistent with the Constitution, ought to be made for their distribution, according to the principles declared in the foregoing resolutions; and if the Constitution of the United States, according to its true meaning, forbids such provision to be made by Congress, the subject ought to be referred to the States for their determination, that they may determine whether they will consent to give such power or not.

Monday, January 5, 1835.

SENATE.

Mr. Wyche, from the Select Committee to whom was referred so much of the Governor's Message as relates to the transmission of certain public documents, and the publication of the Acts of Assembly, made a report thereon, accompanied by the following resolutions; which were read three times, and ordered to be enrolled, except the second, which was stricken out:

Resolved, That the Governor be authorized to procure and transmit to each branch of the Legislative Department of the United States, and of the several States in the Union, a copy of the Public Laws of this State, as published annually by the Public Printer.

Resolved, That the Governor be authorized to appoint annually a person properly qualified to arrange the order in which the laws shall be published, to revise the proof sheets, to prepare a table of contents, a general index, and marginal notes, who shall receive such compensation as may be deemed adequate to this service, not exceeding one hundred dollars.

Resolved, That the Governor shall be authorized to transmit to the Executive of the United States, and of the several States, any public documents which may be published by order of the public authorities of the State.

The bill rewarding persons for taking up runaway slaves, the property of citizens of this State, was variously amended, passed the third reading, and ordered to be engrossed. The title of the bill now reads, "A Bill rewarding persons for taking up runaway slaves, the property of citizens of this State, in Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts."

The bill to provide a fund for the establishment of Free Schools in North Carolina, was rejected at its second reading; upon which, on motion of Carson, it was resolved that the said bill should be printed and appended to the laws passed at this session.

The House of Commons having passed amendments to the engrossed bill for the County Courts of Yancey to pay a bounty on the destruction of wolves

the said bill was ordered to be enrolled. The bill vesting the power to authorize the erection of gates across public roads in the county courts, passed at last reading, and was also ordered to be enrolled.

The bill to amend and repeal for a time the several Acts prohibiting the circulation of due bills and notes under five dollars; the bill to amend the Act of 1875, relating to the circulation and keeping of the Lord's day, and the bill directing the manner in which cases shall be brought hereafter in this State, were rejected.

Bills presented.—By Mr. Beard, further to amend an Act entitled "An Act to establish a Bank of the State of North Carolina." Read the first time and passed. By Mr. Sawyer, supplementing an Act passed at the present session, concerning a Convention to amend the Constitution of the State. Passed its first and second readings, and laid upon the table. By Mr. Caldwell, regulating the time of holding the Superior Courts in the counties of Rutherford, Lincoln, and Iredell. Read three times, and ordered to be engrossed.

HOUSE OF COMMONS.

Mr. Marsteller, from the Committee to whom was referred the resolution concerning the powers and immunities of the Cape Fear Navigation Company, reported a bill to repeal in part an Act of 1832, amending the several Acts of Assembly incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of tolls; which passed its first reading.

Mr. Graham, from the Committee on Education, to whom sundry resolutions on the subject had been referred, reported a bill to authorize the President and Directors of the Literary Fund to sell certain portions of the Swamp lands; which was read the first time and passed, and, with the report accompanying, ordered to be printed.

Some time was spent in the consideration of the amendments proposed by the Senate to the engrossed bill concerning a Convention to amend the Constitution of the State; and, after various ineffectual motions further to amend the bill, the said amendments were concurred in, and the Senate so informed. Ordered that 50 copies of said bill be printed for each member of the Legislature.

The House resumed the unfinished business of Saturday, being Mr. Henderson's resolutions relating to a distribution of the public lands. The question (raised on Mr. Haywood's motion to amend) to strike out the original resolutions, was decided in the negative—84 to 53. Mr. Bragg moved that the resolutions lie on the table; which was negatived—70 to 38. Mr. Bragg moved to add the following after the second resolution, which was rejected—68 to 41:

Resolved, That this General Assembly highly approve of the message of Andrew Jackson, President of the United States, transmitted to the Senate of the United States on the 4th December, 1833, containing his reasons for withholding his assent to a bill passed by Congress at its preceding session, usually denominated "Mr. Clay's Land Bill."

Those who voted in favor of the amendment, were Messrs. Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Coor, Dorton, Fitzrandolph, Foushee, Guinn, Gwyn, Hamrick, Haywood, Hilder, Hutchison, Irion, Jordan, Judkins, Lee, Lyon, Marsteller, Potts, Powell, Riddick, Register, Roebuck, Slade, J. L. Smith, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Whitfield, Wiley, Jacob Williams, Ziglar.

Those who voted against the amendment were Messrs. Albrighton, R. H. Alexander, G. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Black, Brandon, Bray, Brummell, Candler, Clement, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Gorrell, Graham, Hawkins, Harper, Harrison, Hardy, Henderson, Harris, Hoke, W. Horton, J. Horton, Howard, King, Kittrell, Latham, Lilly, Lindsay, Locke, Long, Loudermilk, Maudy, Manney, Martin, Matthews, Monk, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, Tillett, Watson, Waugh, Weaver, Welch, Williams of Greene, Williams of Richmond, Witcher.

Mr. Haywood moved to add to the second resolution the following words: "And such distribution ought not to be made so as to give any preference to the new States, like that proposed in the bill commonly called Mr. Clay's Land Bill, which was voted by President Jackson." Mr. Dudley moved to strike out all of said amendment after the words "new States," which was not agreed to—66 to 51. The question then recurring on the adoption of the amendment offered by Mr. Haywood, it was decided in the negative—59 to 37. The original resolutions, as submitted by Mr. Henderson on the 29th ultimo, were then adopted and ordered to be engrossed—yeas 82, nays 32.

Yeas.—Messrs. Albrighton, R. H. Alexander, G. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Black, Brandon, Bray, Brummell, Candler, Clement, Coor, Craige, Crump, Dorton, Dockery, Dudley, Fleming, Foreman, Gwyn, Hamrick, Henderson, Henry, Hoke, W. Horton, J. Horton, Houlder, Howard, King, Kittrell, Latham, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, Stockard, Swindell, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Jacob Williams, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Nays.—Messrs. Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Fitzrandolph, Foushee, Frink, Gwyn, Harris, Haywood, Hutchison, R. Jones, Judkins, Kenah, Lee, Lyon, Marsteller, Porry, Potts, Powell, Register, Roebuck, Slade, J. L. Smith, Swanner, Tatham, Whitfield, Williams.

Tuesday, January 6, 1835.

SENATE.

Mr. Hawkins, from the Committee on Internal Improvement, to whom a resolution on the subject had been referred, reported in favor of granting a charter for a Rail Road from the seaboard via the Seat of Government, to the Yadkin; but against the State taking two-fifths of the stock. Laid on the table. Mr. H. also reported against the expediency of granting an appropriation to cut a Canal from Goose Creek to Jones's Bay, and recommended the rejection of the bill to amend the road laws.

Mr. Wyche, from the Committee on Finance, reported, stating that Samuel F. Patterson had obtained the bonds required by law, &c., and

ordered upon his office as Public Treasurer; setting forth the condition of the Treasury; and recommending the adoption of a resolution authorizing the Treasurer, should it become necessary during the fiscal year, to borrow, on behalf of the State, a sum not exceeding 40,000 dollars; which resolution was read three times, and ordered to be engrossed.

Mr. Wellborn presented a bill to repair, alter, and amend, the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line; which was read three times, and ordered to be engrossed.

The engrossed resolutions from the other House, relative to the distribution among the States of the public lands, was laid upon the table—yeas 33, nays 24.

Yeas.—Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Eubett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Husey, Kerr, Lindsey, Lockhart, M'Cormick, Montgomery of Hertford, Moyer of Greene, Staley, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche, Wilson.

Nays.—Messrs. Barco, Bateman, Beard, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Little, Lowry, M'William, M'Queen, M'Williams, Martin, Mast, Montgomery of Orange, Moyer of Pitt, Parker, Phelps, Sawyer, Sherrard, Shipp, Wellborn.

The bill concerning a Convention to amend the Constitution of the State, was ordered to be enrolled.

The engrossed bill from the other House, to establish the Merchants' Bank of Newbern, was rejected—28 to 25.

HOUSE OF COMMONS.

Bills presented.—By Mr. Henry, to establish the Sulphur Spring Academy, in Buncombe. By Mr. W. Horton, for arming volunteer companies. By Mr. Marsteller, to repeal part of an Act of 1819, to provide a revenue for the payment of the civil list and contingent charges of Government for the year 1820. By Mr. Black, to authorize and empower the County Courts of Yancey county to alter the dividing line between the two regiments of said county. These bills passed their first reading.

Mr. Houlder presented a resolution recommending to the people specifically to instruct their delegates to the Convention to vote for or against the borough representation in the Legislature; which was postponed indefinitely.

Mr. Haywood presented the petition of R. M. Saunders, asking compensation for certain professional services, together with a resolution to carry into effect the prayer of the petitioner. Referred. The engrossed bill to make an appropriation of \$75,000 for completing the Capitol in this city, passed its second and third readings, and was ordered to be enrolled—yeas 94, nays 21.

The following bills were postponed indefinitely: Providing a reward for the taking up of runaway slaves in Pennsylvania, New York, &c.; concerning the exercise of suffrage by free persons of color; additional to the Acts now in force directing how females covert may pass lands; altering the number of company musters from two to four in a year; and giving to the Superior Courts of Law exclusive original jurisdiction in all applications for divorces.

The engrossed resolutions to print the Bill to provide a fund for the establishment of Free Schools, and append the same to the Acts of Assembly; and authorizing the Governor to procure and transmit the Acts of Assembly in certain cases therein named, and for other purposes, were read and ordered to be enrolled.

Wednesday, January 7, 1835.

SENATE.

The bill to subject legacies, distributive shares, &c., to attachment in like manner as other property, and the bill to incorporate the Montgomery Gold Mining Company, were postponed indefinitely.

A great many bills were matured and ordered to be enrolled.

HOUSE OF COMMONS.

The bill to amend the Charter of the Raleigh and Wilmington Rail Road Company, was laid on the table until the 3d Monday of November next, on motion of Mr. Smallwood—Ayes 71, Nays 30.

Mr. Long presented the following Resolutions: *Whereas*, by the Constitution of the United States, Congress alone is clothed with authority to borrow money on the credit of the Government: And whereas, the Postmaster-General has taken upon himself the exercise of this high power, involving the right to tax the people of these United States without the authority of their Representatives:

Be it therefore Resolved, by the General Assembly of North Carolina, That the Postmaster-General, in borrowing money without the consent of Congress, has violated the plain meaning of the Constitution, and that therefore the loans made to him are not binding upon the nation.

Resolved, That the Senators and Representatives from this State, in Congress, be requested to continue the investigations, already commenced, into the abuses and corruptions of that Department; and that they endeavor to secure for the future a more economical and faithful administration of its concerns.

The said Resolutions were read, and, on motion of Mr. Swanner, laid on the table—Ayes 70, Nays 49.

Thursday, January 8, 1835.

SENATE.

Several bills of a private nature—among them the bill to incorporate the Bible Society of North Carolina, and the bill to incorporate the Howard Gap Turnpike Company—were read, and indefinitely postponed.

HOUSE OF COMMONS.

The resignation of Judge Seawell and R. M. Saunders, as Commissioners for rebuilding the Capitol, were read and accepted.

The bill to provide for a fair valuation of the lands in this State, and prescribing the mode in which the said lands and other taxable property shall be given in by the owners thereof for taxation—the bill to alter the time of holding the election for Members of the Assembly—the bill authorizing the entry of the unsurveyed lands acquired, by treaty, from the Cherokee Indians; and the bill to extend the limits of the City of Raleigh, were severally read, and, on motion, indefinitely postponed. A large number of bills were finally passed.

Friday, January 9, 1835.

SENATE.

The bill authorizing the entry of the unsurveyed Cherokee Lands; concerning Coroners' fees; the bill to provide for the temporary appointment

of Registers in certain cases; the bill to repeal an Act, passed in 1826, to reduce the license the Pedlars on the south side of the Albemarle; the bill to amend the several Acts of Assembly, vesting the right of electing the Sheriffs in the People; the bill amendatory of the Act to establish a Bank of the State; and the bill to improve the Cape Fear river above Fayetteville, were severally read, and, on motion, indefinitely postponed.

HOUSE OF COMMONS.

The bill to repeal in part an Act, passed in 1832, amendatory of the several Acts of Assembly incorporating the Roanoke and Cape Fear Navigation Company; the Resolution authorizing the Governor to employ an Engineer to survey a Rail Road route from Beaufort to the Western limits of the State; the bill imposing a tax on Physicians, Lawyers, and Dentists; the bill giving to the County Courts the power of abolishing the offices of County Trustee and Treasurer of Public Buildings; the bill authorizing the Governor to subscribe, on behalf of the State, for 1000 shares of the Stock of the Cape Fear, Yadkin, and Pedee Rail Road; and the bill to encourage the discovery of Mines in the State, were severally read, and, on motion, indefinitely postponed.

Saturday, January 10, 1835.

SENATE.

After some unimportant business, on motion of Mr. Beard,

Resolved, unanimously, That the thanks of the Senate are due, and they are hereby tendered, to the Hon. William D. Moseley, Speaker thereof, for the able, dignified, and impartial manner, in which he has discharged the duties of Speaker of the Senate during the present session.

The Speaker then declared the Senate adjourned sine die.

HOUSE OF COMMONS.

The House met for the ratification of bills; having done which, the following Resolution was unanimously adopted, and the Speaker adjourned the House sine die:

Resolved, That the thanks of this House be tendered to William J. Alexander, Esq., the Speaker thereof, for the able, impartial, and prompt manner, in which he has discharged the duties of the Chair during the present Session.

CAPITONS OF THE LAWS PASSED BY THE LEGISLATURE OF NORTH CAROLINA, at the Session of 1834-35.

PUBLIC ACTS.

1. An Act concerning a Convention to amend the Constitution of the State.

2. Supplemental to an Act, passed at the present session, concerning a Convention to amend the Constitution of the State.

[For the provisions of the above Acts, see the first page of this paper.]

3. To amend the Charter of the Bank of Cape Fear. [Provides that Stockholders, who are citizens of other States, shall be entitled to vote for themselves or by proxy, at all meetings of the Stockholders; and that the Bank and its Branches shall receive public money in deposits.]

4. To amend the Act of last session, to establish a Bank in the State of North Carolina. [Provides that the corporation shall deal in promissory notes, expressed on the face of them to be negotiable and payable at any Agency of the Bank; and shall also receive such of the public money as the Treasurer of the State shall offer in deposits.]

5. Giving further time to pay in Entry money. [Allows until the 15th of December, 1835.]

6. Prohibiting Lotteries in the State. [Prohibits Lotteries of every description, except those already authorized, under a penalty of \$5,000.]

7. To quiet the titles to certain lands in this State.

8. Vesting the power to authorize the erection of gates across public roads in the County Courts. [Gives this power to the Courts—a majority of the Justices being present.]

9. Making an appropriation for completing the Capitol in the city of Raleigh. [Appropriates the sum of \$75,000.]

10. To amend an Act vesting the right of electing the Clerks of the County and Superior Courts in the free white men of the State, passed in 1832. [Provides that, in case of the resignation or death of the Superior Court Clerk, the Judge shall appoint until the next regular election; and the County Courts shall appoint in like manner.]

11. Giving compensation to Sheriffs and Coroners for executing writs of capias ad satisfaciendum, in certain cases. [Sheriffs or Coroners compelled, by such writs, issued by, and returnable to, any Court beyond their own County, to carry any person to the Jail of the County from whence the writ issued, to receive at the rate of three dollars for every thirty miles in going to and from the said jail.]

12. Regulating costs in certain cases. [Provides that Clerks shall not charge any State tax or Attorney fees on bonds returned under the Act of 1832, for the relief of honest debtors, except an issue shall be made up; in which case, the party cast shall pay all costs; and that officers shall return all bonds and papers, taken under said Act, on or before the second day of the Court to which they are returnable, under the penalty of \$50.]

13. Authorizing the several County Courts to appoint one or more Surveyors in their districts for each County. [Provides that they shall not appoint more than two for any one County.]

14. Concerning divorces. [Gives the Courts of Equity concurrent jurisdiction with the Superior Courts of law, in granting divorces.]

15. Appointing Commissioners for rebuilding the Capitol. [Appoints Duncan Cameron, B. Daniel, S. F. Patterson, Charles Manly, and Alfred Jones. Governor to fill vacancies.]

16. Amendatory of the Act of 1833, concerning the injury done by the erection of mills. [If damage assessed under said Act do not amount to \$5 dollars, petitioner shall not recover more costs than damage.]

17. Prescribing in what manner copies of Administration or returns of property of deceased persons in another State shall be read in evidence. [When properly certified according to Act of Congress of 1790, or by the proper officer of the State, with the testimonial of the Governor, the said papers shall be admitted in evidence in the same manner as copies from Clerk's Offices in this State.]

18. To repeal the second section of the Act of 1832, making additional compensation to the Secretary of State for certain services.

19. For turning or altering roads in certain cases.

[Provides that persons through whose land a public road passes, may turn or alter the same; and if the Court sanction the alteration, may then close up the old road.]

20. To authorize the Governor to procure a new Great Seal of the State.

21. To establish the Merchants' Bank of the town of Newbern. [Establishes a Bank, under this title, in Newbern, with a capital of 300,000 dollars. Books to be opened on the second Monday of February next, at Newbern, Washington, Bath, Caswell, Waynesboro', Beaufort, Swansborough, and Snow Hill. One fourth of each share to be paid at the time of subscribing; one fourth within 60 days after the Bank shall have commenced business; and the remainder within 9 months thereafter. When 100,000 dollars are paid in, the Bank may go into operation, and continue until 1855. Seven Directors to be appointed, who shall elect a President and other officers. Bank to pay a tax of 25 cents per share. No branches or agencies allowed.]

22. Amending the Act of last session, regulating the times of holding the Superior Courts in the 6th Judicial Circuit. [Provides for the payment of the Judge for holding Court for the second week in Mecklenburg county.]

23. Concerning the Wardens of the Poor. [Provides for paying expenses of removing a pauper from one county to another.]

24. To enable any two of the Judges of the Supreme Court to hold the same. [When any one of the Judges is unable to attend, the other two may hold court.]

25. To prohibit hauling seines or drag nets within two miles of certain bars and inlets within this State. [The places provided for in the Act are Ocracoke Bar, New Inlet, north of Ocracoke, and Roanoke Narrows or Marshes.]

26. Concerning the publication of the Acts relative to a Convention, and payment thereof by the Governor. [Governor to draw on the Treasurer for a sum sufficient to pay each printer who publishes said Acts ten dollars, and to cause 400 copies of said Acts for each county to be printed, and transmitted to their Members of Assembly.]

PRIVATE ACTS.

2 To repeal, in part, an Act of 1831, to prevent obstruction to the passage of fish up the Pedee and Yadkin rivers.

5 Authorizing Michael Brown, of Rowan, to erect a gate or gates on his own land.

15 Incorporating the Burke County Gold Mining Company.

20 Concerning the appointment of Commissioners of a public road in Haywood county.

21 Providing for the holding a Superior Court in the county of Yancey.

23 To prevent the obstructing the passage of fish up Roaring river, in Wilkes county.

24 Amending the Act of 1826, to establish and regulate a turnpike road in Haywood, called the Tennessee River Turnpike.

25 Establishing the Germantown Academy, in Stokes county.

27 For the better regulation of the County Courts of Yancey.

28 Authorizing the appointment of two Surveyors in the counties of Montgomery, Haywood, and Ashe.

31 Incorporating the Iredell Manufacturing Company.

32 Granting to persons, therein named, certain lands for the use of the Methodist Episcopal Church at Franklin, Macon county.

33 Appointing commissioners to lay off a road from Morganton, in Burke county, by Burnsville and Barnett's Station, to the Tennessee line.

34 Amending the Act of 1822, for the division of Rowan county.

38 To prevent the obstructing the passage of fish up Highways, Nottally, and Valley rivers, in the county of Macon.

41 Giving exclusive jurisdiction to Superior Courts for the counties of Anson and Montgomery in all cases where the intervention of a jury shall or may be necessary.

43 Concerning the County Courts of Haywood.

45 Authorizing John Sudderth and Patrick Hennessee to erect gates on their own lands across a public road in the county of Burke.

48 For the better government of the town of Lawrenceville, in Montgomery county.

52 Repealing part of the Act of 1833, better to promote the administration of justice in Macon county.

53 For the better regulation of the militia of Buncombe county.

56 Amending an Act to incorporate a company in the County of Mecklenburg, under the name of the Franklin Gold Mining Company.

58 Authorizing the County Courts of Burke and Yancey to appoint Commissioners for laying off roads.

60 Incorporating the North Carolina Gold Mining Company.

61 Supplemental to the Act of last session, to improve the State Road from the bank of Tuckasee river, by the way of Franklin, to the Georgia line.

62 To prevent the felling of timber in, or otherwise obstructing the run of, Lower Little river, in Iredell county.

63 Altering the times of holding the County Courts of Buncombe and Yancey.

64 Incorporating the Lincoln Light Infantry Company.

67 Authorizing A. R. T. Hunter, of Macon county, to erect a bridge across the Highways river, near the mouth of Valley river.

69 Amendatory of an Act authorizing the citizens of the town of Haywood to appoint Commissioners.

73 Incorporating the Tuckalee Smoky Mountain Turnpike Company.

76 Incorporating the Mallard Creek Classical School, in Mecklenburg county.

81 Incorporating the Pioneer Mills Gold Mining Company, in Cabarrus county.

80 Regulating the times of holding the Superior Courts of Rutherford, Lincoln, and Iredell.

91 Authorizing the appointment of two Surveyors in Anson, Wilkes, and Richmond.

93 Directing the conveyance of the commons adjoining the town of Franklin, to the chairman of Macon County Court.

94 Authorizing the Northampton Blues to draw on the Adjutant General for a stand of arms.

96 Appointing commissioners to run and establish the boundary line between Bladen and Cabarrus.

97 Supplemental to the Act to incorporate the Cape Fear, Yadkin, and Pedee Rail-Road Company.

104 Repealing an Act of 1832, appointing lay days on Rocky river, joining Anson and Montgomery counties.

105 Authorizing the completion of the Tennessee river road, in the county of Macon, and to incorporate a company for that purpose.

106 Empowering the County Court of Yancey to lay a tax to encourage the destruction of wolves and panthers in said county.

108 Incorporating Poplar Grove Academy, in Iredell.

110 Establishing the Sulphur Spring Academy, in Buncombe.

113 Granting to the Mecklenburg Gold Mining Company an amended charter.

115 Authorizing the making a turnpike road in Haywood, and to incorporate a company for that purpose.

116 Attaching the militia of Yancey to 15th brigade.

117 Relative to the hands called to work the State road from the Old Port to Asheville.

118 For the preservation of the public buildings in Buncombe, and the improvement of Asheville.

123 Regulating drill musters in the 68th regiment of militia, in Davidson county.

125 For the better regulation of the county and superior courts of Rutherford, Buncombe, Haywood, and Macon.

127 Repealing an Act of 1833, concerning the Wilkes volunteer artillery company.

130 Incorporating the Northampton Manufacturing Company.

132 Granting to persons therein named certain lands for a burying ground and place of public worship for denominations of Christians, in Macon county.

133 Authorizing the county court of Yancey to alter the dividing line between the two regiments of county.

134 Amendatory of an Act of last session, granting to persons therein named certain lands for the use of the Methodist Episcopal Church at Franklin, in Macon county.

135 To repair, alter and amend, the road leading from Hokenom's Ford to the Deep Gap.

136 To repair the road from the Yadkin, where Cass formerly lived, to the Ashe county line.

RESOLUTIONS.

2 Relating to a map of the Cherokee lands.

3 Directing the Adjutant General to collect the public arms.

8 In favor of Wm. Kenly, of Davidson.

13 In favor of John Hyde, of Haywood.

16 Instructing Mr. Mangum, one of our Senators in Congress, to vote for expunging from the journals of the Senate of the United States the resolution concerning the conduct of the Executive in relation to the deposits.

19 Relative to the outrage committed at Nance, on the property of American citizens.

23 Directing a new roll of the Justices of the Peace.

25 To amend a bill to provide a fund for the establishment of Free Schools, to the Acts of Assembly.

26 Authorizing the Public Treasurer, should it become necessary during the fiscal year, to borrow, on behalf of the State, a sum not exceeding \$40,000, at no more than 6 per cent interest.

29 In favor of the Hon. James Martin.

30 Directing the Report of the Committee of Finance to be appended to the Acts of Assembly.

44 In favor of Asa Delonier and Henry Rogers.

45 Directing the Treasurer to commence suits on bonds for Cherokee Lands.

[From the Phil. Gazette and Intelligencer.]

CONSEQUENCES OF A WAR WITH FRANCE.

One of the certain consequences of a war with France, would be the re-election of Mr. Jackson to the Presidency for a third term; and we are quite sure that the desire to bring about that result has not been at the bottom of the councils of those bad advisers, whose influence has unhappily prevailed in reference to the course that has been pursued in regard to that nation. Since the election a few months ago, of Judge Wilkes as a candidate for the Presidency; in opposition to Van Buren, by the Jackson papers of Tennessee, a portion of the office holders have so become alarmed lest the tenure of their office might be changed from what they now suppose to be, for life, to one for a term of years; and they naturally desire to prevent a splitting up of the party to which they owe their share of "the spoils of victory." Nothing could be so likely to prevent such an occurrence as the re-election of the man upon whose personal popularity they have rode into office, and as he has been reported to have said, that "to save the country he might be induced to be a candidate for a third term." It is necessary to create the emergency which would afford a pretext for requiring his re-election. How was this to be brought about? The only way with which we had relations that could be tortured into a cause of war with France, and towards that nation the feelings of the American people were of the most kind and friendly character. Unfortunately, however, it was remembered that in the month of May last, when the news of the rejection of the treaty by the French Chambers reached Washington, the President flew into one of his ungovernable passions, and threatened to send a special message to Congress, recommending hostilities. Such a rash proceeding was however at that day too little in accordance with the wishes, even of his most zealous partisans, to receive their approbation, and he was prevailed upon to postpone his intentions, for the time. The spirit of vengeance, however, displayed on this occasion, on beholding the treaty rejected which Mr. Kier had publicly boasted through the newspapers had obtained for the American claimants more than their own commissioners had awarded, furnished a key for future operations, and we have not a doubt that it has ever since been stored up, as the conservative measure of the continued cohesion of the party.

Every one who has viewed the proceedings at Washington in person on

organized, would give a strength to the executive authority, which the other branches of the Government would not be able to resist. Nothing now protects us from the liability to rank despotism, but that decent respect for public opinion, and for the example of former Presidents, which occasions, at the end of every eight years, an unsettling of parties, and a partial removal of incumbents, who, if let alone, would fancy that the offices under the Government were their special and unalienable property. The slightest countenance, therefore, given by any man or party, to a measure fraught with such destructive consequences, ought to be visited by an unequivocal display of public opinion.

And whilst on this subject would it not have a very effect in quieting the apprehensions of those who dread a Presidency for life if Congress would propose an amendment to the Constitution, declaring that no individual should be eligible for a third term? Such a measure brought forward in Congress at this particular moment, would at least enable us to judge, what is the feeling of that body on the subject.

Coach and Carriage Making, &c.,
In Salisbury, by J. W. Rainey.

HIS Shop is on the Main Street, between the Mansion Hotel and the Western Carolinian Printing Office, where he is prepared to make, on short notice, and on the most reasonable terms, every description of Vehicles, from a stage-coach down to a wheel-barrow.

A large stock of ready-made Work always kept on hand, for sale as cheap as any.
REPAIRING in all its branches will also be promptly attended to, and executed in the very best style of durability and neatness.
Jan. 17, 1835.—J. W. RAINY.

SPLENDID SCHEME.
NORTH CAROLINA STATE LOTTERY,
FIRST CLASS FOR 1835,
To be Drawn in Fayetteville,
On Friday the 30th of January, 1835,
ON THE POPULAR
Terminating-Figure System.

STEVENSON & POINTS, MANAGERS.

CAPITAL \$6,000!
PRIZE \$6,000!

SCHEME:
1 Prize of 3,000 DOLLARS is \$6,000
1 " of 3,000 DOLLARS is 3,000
1 " of 2,000 DOLLARS is 2,000
12 " of 1,000 DOLLARS is 12,000
12 " of 500 DOLLARS is 6,000
12 " of 300 DOLLARS is 3,600
12 " of 200 DOLLARS is 2,400
12 " of 100 DOLLARS is 1,200
102 " of 50 DOLLARS is 5,100
141 " of 30 DOLLARS is 4,230
303 " of 20 DOLLARS is 6,060
324 " of 10 DOLLARS is 3,240
6,000 " of 5 DOLLARS is 30,000
6,000 " of 4 DOLLARS is 24,000

18,880 Prizes, amounting to \$180,000

A Package of 10 Whole Tickets will cost \$40 00
And must draw nett 17 00

A certificate for a Package of 10 Whole tickets will be \$23 00
For 10 Half tickets, 11 50
For 10 Quarter tickets, 5 75

All Orders from a distance, by mail (post-paid) or by private conveyance, enclosing the cash or prize-tickets in our previous Lotteries, will receive the most prompt attention, if addressed to STEVENSON & POINTS, Salisbury; and an account of the drawing will be forwarded immediately after its event.

Whole Tickets, \$4 00
Halves, 2 00
Quarters, 1 00

To be had, in the greatest variety of numbers, at
Stevenson & Points's Office,
(White Row, Mansion Hotel),
SALISBURY, N. C.
January 17, 1835.

TYPE-FOUNDRY.

E. White and William Hager
RESPECTFULLY inform the PRINTERS of the United States (to whom they have long been individually known as Letter-Founders) that they have now formed a Co-Partnership in said business, and hope from their united and extensive experience, to be able to give full satisfaction to all who may favor them with orders.

The introduction of Machinery, in place of the tedious and unhealthful process of casting type by hand, (a desideratum by the American and European foundries,) by American ingenuity, and at a heavy expenditure of time and money on the part of our senior partner, first successfully accomplished. Extensive machine-cast letters, fully tested and established its superiority in every particular over that cast by the old process.

The Letter-Foundry business will be carried on by the parties before named under the firm of
White, Hager, & Co.

Their Specimen-Book exhibits a complete series, from Diamond to 14-line Pica—their Book and News Type being in the most modern and approved style.

White, Hager, & Co., are agents for the sale of the Smith and Rust Printing Presses, which they can furnish to their customers at the manufacturers' prices.

Chases, Cases, Composing Sticks, Ink, and every article used in the Printing Business, kept for sale, and furnished at short notice. Old Type taken in exchange for new, at 9 cents per pound.

E. WHITE.
WM. HAGER.
New York, Jan. 17, 1835.



THE CAROLINIAN.

SALISBURY:
SATURDAY, JANUARY 17, 1835.

THE CONVENTION BILL

Will be found inserted entire on the first page of our to-day's paper. It will be read with avidity by every one into whose hands a copy of it may fall, and doubtless every reader will draw his own conclusion of its provisions, without our aid. Indeed, so various are the opinions expressed in relation to this Bill, that we are almost afraid to add our own. The Western Members with whom we have conversed on the subject unite in saying that the Bill is not what the West has a right to demand at the hands of its Eastern brethren; but that it is the best they could secure from them at the recent session. The general opinion is also expressed, that in any event the West will be benefited by the proposed amendments of the fundamental law of the State; but that, should these benefits not prove to be what should in justice be extended to us, the People will have an opportunity to reject them when the new Constitution is laid before them for their approval or disapproval. An article from the Raleigh Register, in another column, gives an opinion on the subject.

THE CAPTIONS OF THE ACTS, &c.

Passed at the recent session of our State Legislature, will also be found in our columns. Those of a Public nature we have inserted *in toto*; but of the Private Acts, and the Resolutions, we have selected and published only such as bear upon the interests of sections of country and of individuals where our paper chiefly circulates: even some of these may have been overlooked and left out, but not intentionally on our part. We also complete, in to-day's paper, the Journal of Legislative Proceedings. The last few days were principally spent in finally disposing of bills—in passing, rejecting, or postponing. A reference to the Captions of Acts passed, and to the Journal, will show the dispositions made of those matters in which our readers are most interested.

The last "Raleigh Register" promises to commence, at an early day, the publication of the Speeches elicited by the Resolutions to instruct Mr. Mangum, introduced into the Legislature by Mr. Potts. We shall avail ourselves of the earliest opportunity to lay some of these speeches before our readers also.

From the "Register," of the 13th instant, we learn that "On the last day of the session, Mr. Haywood, on behalf of himself and others of the minority, presented a Protest against the decision of the House of Commons on the passage of the Resolutions" in relation to an equitable distribution of the proceeds of the Public Lands among the old States, by whom the said lands were originally ceded to the General Government for the purpose of paying off the National Debt. The "Protest" is said to be of great length; but we know nothing of its arguments, as it has not been published. What the minority of our Legislature can have to say against a measure of such unquestionable justice to the State of North Carolina, and which passed the popular branch of that body by a majority of fifty votes, we are curious to see. We are, however, afraid it is nothing better than an attempt to sacrifice the interests of the State at the shrine of Party. We shall see.

The reader is referred to the first page of this paper for a Report by the Committee on the Judiciary, in our State Legislature, on the subject of the Law of Divorce. The reasoning in that Report, against the expediency of extending the facilities of separation between man and wife, we take to be sound; but, bachelors as we are, we confess ourselves incapable of deciding upon the reasons which may impel many to seek to sever the tender connexion; and so we beg leave to refer the whole matter to those whom it may most concern.

EXECUTIVE PATRONAGE.

Mr. Calhoun lately introduced the following resolution into the Senate of the United States:
"Resolved, That a Select Committee be appointed to inquire into the extent of Executive patronage—the circumstances which have contributed to its great increase of late—the expediency and practicability of reducing the same, and the means of such reduction; and that they have leave to report by bill or otherwise."

This resolution was agreed to; and Messrs. Calhoun, Bibb, Benton, King of Georgia, Southard, and Webster, were appointed the said Select Committee.

On the 30th ultimo, Mr. John Q. Adams delivered, in the Hall of the House of Representatives, at Washington, an Eulogium on the Life and Character of Gen. Lafayette. Mr. A. was appointed to this duty by a resolution of the House at the last session: his effort is spoken of as highly creditable to his splendid talents; and the House, out of compliment to the feelings of the accomplished Orator and Statesman, ordered fifty thousand copies of his Oration to be printed. The Senate ordered the printing of ten thousand copies.

James M. Wayne, a Member of Congress from the State of Georgia, has been nominated to the Senate, by the President of the United States, to fill the vacancy on the bench of the Supreme Court occasioned by the death of Judge Johnson.

Thanks are tendered to the Hon. Mr. Rencher for his "note" in transmitting to us copies of the most important documents laid before Congress.

Why do we not receive the Washington papers now-a-days?—Has the President cut us out upon their publication? or has his Postmaster-general laid an embargo upon their transmission by mail? We will take it as a favor if some of our friends in the "City" can find time to inquire into this matter. No paper of this kind has been received in this town from the Seat of Government, no, not even the Globe! We have received Boston, New York, and Philadelphia journals, as usual—but not even the Globe from Washington! We wish we knew whether the General has destroyed his celebrated "hickory broom."—If he has not, a fine chance now presents itself for a few whisks of that "beam of Reform" in his P. O. Department.

How this world is given to—finding fault!
We claim for ourselves an exemption from this universal itch—indeed, our scratching this week prove that we have been more than ordinarily under its influence;—but we always try to see good cause before we find fault, and then to do it in such a mild way as to preclude offence being taken. Some time since, in noticing the thirty-sixth birthday of a contemporary journal, we took the occasion to add our testimony that its value was equal to its age, but embodied in our article one little objection that we had heard expressed on all hands, viz. that the said journal was "neither hot nor cold" in its general course. The remark was made by us, for the reason that the paper in question was published at the seat of the State Government, and, from its long standing, extensive circulation, and Editorial ability, might do much to place North Carolina in the bold relief which she is entitled to occupy with her sister States. We were regardless whether the principles advocated by it with increased vigor were those which we desire to see advanced, or not: our only design was to spur it up to take advantage of the favorable position it occupied to increase its own character for energy, and thus advance the importance of "old Rip" in the eyes of those who judge of the soundness of his nap by the sleepy spirit of his guardians—the conductors of the Public Press.

The Editors of the journal in question no doubt saw the bent of our observation, and appreciated its true bearing: for we must do them the justice to say that they have on more than one occasion since been quite hot—so hot, indeed, as to burn themselves, if not some of their neighbors.—(Let it not be thought that this is a new objection.)—But some others of our contemporaries noticed our observation, and dissented from us in the premises—laboring under the mistaken belief that we had reference entirely to politics. In order to let the reader, and our dissenting brethren, see who has made out the clearest case of the absence of "malice aforethought" in our mutual fault-finding, we give below two notices of our article, and shall compare notes with them in conclusion.

From the *Newbern Spectator*.—"We think that the exception which the Western Carolinian takes to the Raleigh Register—that it is "neither hot nor cold"—is a creature of the Carolinian's own brain. We have never been at a loss in ascertaining the Register's opinions on public matters; and, although we cannot imitate its conductors in taking matters coolly when corruption threatens the ruin of our country, yet we admire in them the virtue we cannot imitate, and give them credit for superior moral firmness and genuine patriotism."

From the *Wilmington People's Press*.—"The Editor of the Western Carolinian takes an exception to the Raleigh Register, that it is "neither hot nor cold." The Register has not been abusive enough to gratify the domineering and proscriptive spirit which is cherished by a portion of the Bank party.—It has dared, in general, to be courteous to its opponents, and candid in its statements."

And now for summing up.—We accused the Register as being neither hot nor cold—that is, that it was not sufficiently decided in its tone to meet the views of its friends on the various subjects of State and National policy which usually found publicity through its columns. Our Newbern brother has gone much further than this: he charges it with "taking matters coolly" even "when corruption threatens the ruin of the country." (1)—He, however, talks something about giving "credit for genuine patriotism;" but he will see that these positions are the antipodes of each other; and warrant us in the belief that his thrust was aimed at the Register's fifth rib, instead of ours. Go to, brother Spec!—how couldst thou make us the scape-goat for thy sins!

But what shall we say to the People's Press?—That its editor intended to give us of the Carolinian the cut direct we can see plainly; but we confess our inability to comprehend his language. What does he mean by the words "not abusive enough to gratify the domineering and proscriptive spirit," &c., and "it has dared to be courteous to its opponents and candid in its statements"? If he of Wilmington will bring the reverse of either of these positions home to us, we will take it for granted that he knew what he wrote, and will in all kindness of feeling endeavor to convince him that he is under a mistake. He is a good Jackson-man, however, and we presume that his eyes were so dazzled with "glory," his neck so compressed with the collar which he delights to wear, and his heart so closed to reason on the subject of the Bank, that, when he wrote the above paragraph, neither of those organs had the slightest knowledge of what was "being perpetrated" by his hands. Out upon thee, Mr. Press!—thou art an ill-natured man, and we fear a little cracked withal!

TERRIBLE SNOW-STORM.

The Northern papers contain accounts of one of the severest storms of Snow that is within the recollection of "the oldest inhabitant." They call it, *par excellence*, "one of the old-fashioned Snows." The passengers on the rail-road between Philadelphia and New York suffered greatly from the cold, the cars being unable to go through the immense snow-drifts that had accumulated on the road. The following account of the imminent danger they were in of perishing with cold and hunger during one of these stoppages, will give some idea of the distress which was experienced from this "old-fashioned" snow. Commend us to new fashions in the article of snow!

From the *New York Times*.

The storm commenced at Washington on Wednesday night, and continued when our informant came away, on Friday night. It came with him to Philadelphia. The passengers from the latter city, 90 or 100 in number, had a terrible journey. They reached Burlington at about 11 A.M., and there took the cars. At 6 P.M. they were about four miles from Amboy, and in one of those deep cuttings, where the ground ascends on both sides, they were at last brought to a stand-still, by a monstrous snow-drift, which arrested all further progress. No effort availed to force the cars over the obstacle, though they backed repeatedly to such a distance as to acquire their fullest momentum. The passengers, many of them ladies, had been without food since leaving Philadelphia; and now, with this tremendous storm of snow, drifting with the howling wind, they had the awful prospect of passing the piercing cold night in the cars. It was proposed that some of the party should proceed on foot to Amboy, and procure the means of bringing on the rest, but four miles through the unbroken snow-drifts, and with the falling snow driven so furiously in their faces, seemed too hard a walk, and it was given up.

Fifteen or twenty of the passengers then started, at about ten o'clock, to walk back about a mile, to a little house which they had passed, where they sat up all night, but with the comforts of fire and shelter. When they departed from the cars, six or seven of those who remained, seeing the sad condition of their fellow-passengers, and especially the ladies, set out on foot for Amboy, and, after unparalleled fatigue and suffering, reached there in about three hours and a half. They were able to procure two whisks, which were sent to bring on the rest of the party. They arrived at the beleaguered cars at 5 o'clock in the morning, and

took off the unfortunate females, who were nearly exhausted. By daybreak the people of the neighborhood were aroused, and, gathering in with their sleighs, the whole party were transported to Amboy and got aboard the boat between 8 and 9 o'clock in the morning.

Barbarous Technicality.—A Mr. Winfree, keeper of the Eagle Hotel, in Richmond, some time since locked himself up in one of the upper rooms of that establishment, and committed suicide by cutting his throat. He had made some little pecuniary arrangements just previous to his disappearance, which induced his family and friends to fear that he had laid violent hands upon himself. A search was accordingly made for his body, which resulted in its being found as above, several days after the deed had been committed.

A Jury's Inquest was held on the body, as usual; and the following paragraph is an extract from their report. We shudder on contemplating the cruel technicality of language in which the unfortunate circumstance is detailed. We can see but one excuse for it, which may be found in its tendency to prevent other people from giving a Coroner's Jury occasion to use the same unchristian formality in accounting for their death: we apprehend that any sane man would rather live forever, than to have it said of him that he had "feloniously and with malice aforethought" taken his own life! But we see in this possible consequence very little excuse for this outrage upon the sensibilities of an unfortunate man's family and friends: the language of the Richmond Jury is strictly legal we acknowledge, but it is nevertheless barbarous.

"At the Eagle Hotel, in the City aforesaid, in and upon himself then and there being in the peace of God, and after the said Commonwealth, feloniously, voluntarily, and of his malice aforethought, made an assault, and that the said William Winfree then and there, with a certain knife of the value of twenty-five cents, which he, the said William Winfree, then and there held in his right hand, himself upon his throat then and there, feloniously, voluntarily, and of his malice aforethought, did strike and give to himself, then and there, with the knife aforesaid, upon his throat aforesaid, one mortal wound of the breadth of four inches, and the depth of two inches; of which mortal wound the said William Winfree, at the Eagle Hotel in the City aforesaid, languished and died on or about the twenty-sixth of November last, in the year aforesaid."

[FOR THE WESTERN CAROLINIAN.]

NEAR SALISBURY, JANUARY 8th, 1835.

To the Hon. Willie P. Mangum:

DEAR SIR: This is the great and eventful day (as you know) which gave victory to the army at New Orleans under command of Gen. Jackson, which circumstance has been the principal, if not sole cause, of the admiration of a too grateful people, in placing at the helm of Government the present incumbent. How the overflowing gratitude of a free People towards him has been returned, is better known by his acts towards them, than by any comment I can make. His most zealous friends in gratitude have been the earliest to be thrust from his confidence; and he has taken to his bosom men unworthy of his confidence—designing, machinating, wily intriguers. To what degradation these intriguers have brought him and the Government, an indignant injured People have already expressed, in various ways. That always a majority has not declared their dissent to the measures of Government, and indignation at the attempted usurpations of power and strong disposition to consolidation, is not enough, and should not be taken, as a test of the general will of the considerable part of the People. No better proof of this is wanted than the resolutions lately introduced into the General Assembly of this State, by Dr. Potts, instructing you to vote for expunging, &c., from the records of the Senate. That a majority of the thinking and responsible part of this section of the State have supported you, and do and will support you, in the course you then pursued, there is not a chance for doubt. In this matter you have distinguished yourself: by the vote you then gave, you made known your own principles, and advocated the true principles of a free Government; and, in so doing, have supported the relative position of a Sovereign State to a Confederate Government. Your whole course, during the last session of Congress, has been pleasing to the friends of State Rights; and it is gratifying to think that, although North Carolina has parted with many of her sons of brilliant talent, she yet has many that do her honor, and are fearless in doing right—that will stand by her and the General Government at the same time. I have no disposition: it is not the thing I am after—to go into particulars; but, as connected with the disgraceful Act of the General Assembly, instructing you to undo that which every honest true-hearted patriot in the country most admires and likes you the best for doing, and which every kind, in power, money, or any thing else. In this resistance, you have acted a faithful part. "Go ahead"—your own conscience will sustain you; free and independent opinion will sustain you, and North Carolina—old North Carolina—is not so sound asleep, but she can discern that it is her true interest that you, and such men as yourself, should be sustained—the vote of a colored or pig-track majority in the present legislature, on the Resolutions above referred to, to the contrary notwithstanding. Many, well as myself, are very decidedly of the opinion, that the great mass of the People of the State are opposed to Jackson Van Burenism; and that their voice, when heard, will prove the fact, by electing men of sense and independence enough to permit no one to act as Dictator.

North Carolina, it is true, is slow to anger; but, when aroused, she is not the less sure to defend her rights; and her magnanimity forbids that she should sacrifice one of her noblest sons, by telling him to retract the steps he has made in accordance with her true interest, and the wish of her people generally. Your public usefulness is too well known to have needed any commendation from even Yours, MULTUS.

From the *Raleigh Register* of January 13.

STATE LEGISLATURE.

The Legislature of the State adjourned on Saturday last, after a session of *thirty-five days*. The Members generally have set out for their homes, where, it is not uncharitable to hope, a large number of them may be suffered to remain. For years familiar with the proceedings of our Legislature, we can conscientiously say that we have never before known a session where so little good has been effected, and so much had feeling engendered. The whole proceedings and deliberations of the body have been marked with such evidence of party feeling and party views, that its character is a reproach to the State, whose moderation and good sense in political matters have been heretofore so generally and so justly commended.

The only law enacted, of importance to the community generally, is that concerning a Convention. It is a subject of immense importance, and demands the serious consideration of every man in the State. We have no space this week for remarks as to the beneficial influence which must result to the State from the ratification of this Act; but sincerely believing that upon the reception given to it the future prosperity of N. Carolina essentially depends, we shall recur frequently to the subject, and do all in our power to urge upon the People to sanction its provisions at the Polls.

MR. DRUMMOND.

One of the last Reports made to the Legislature, was from the Committee to whom was referred the Resolution directing an inquiry into the causes that led to Mr. Drummond's removal as Superintendent of our State Capitol. The Committee go into details on the subject, and in conclusion state that, from the character and complexion of the whole matter, they refrain from a positive expression of their opinion relative to

the weight of the reasons which they give for his removal, whilst at the same time they express their decided opinion that he was not deserving of the public confidence. The result, which is that Mr. Drummond was removed from office, as the Commissioner who conducted the execution of a public duty without any fault would not look well to ensure that.

Codification of the Statute Law.—A committee having been created in the Commission to codify the execution of this work has been charged with the resignation of Gavin Hogg, Esq., Governor, who filled the vacancy by the appointment of Judge.

On Saturday last, James Wyche, of Guilford, was elected Superintendent of Public Works for the ensuing year.

A lunatic, who for some time has considered himself President of the United States, and who has millions of stock in the U. S. Bank, within a few days drew checks for different amounts, which were of course dishonored. Yesterday he called in a check and presented a check for ten thousand dollars, which not being paid, in a fit of passion for the wrong they were heaping upon him, he made a dash at a pile of bills, which he secured, and was placing them in his stocking for safe keeping, when he was seized by a couple of the officers of the Bank, who carried him to the police, and from thence he was carried to the Lunatic Asylum.—N. Y. Star.



Report on the French Question!!

By the Southern Mail of Thursday we received the *Richmond News* of the 8th instant. From it we learn that on the Tuesday preceding, in the Senate of the United States, Mr. Clay, from the Committee on Foreign Relations, made a Report on the French Question. It is adverse to the recommendations of the President's Message; but breathes a high American spirit, and contends that our claims upon France are just, and not to be relinquished. The Senate ordered the printing of 30,000 copies of the Report.

The Whig also states that Messrs. Calhoun, King of Georgia, Mangum, Sprague, and Benton, comprise the Select Committee under the resolution introduced by Mr. Calhoun, in relation to Executive patronage—that resolution will be found in a preceding column: it will be seen that the statements with regard to the Committee differ—we gathered the other information from the last Raleigh paper. Whichever is right, we look for many good results from the labors of the Committee.

UNITED IN WEDLOCK.

In this county, on the 11th instant, by Anderson E. Foster, Esq., Mr. BRYANT THOMPSON to Miss BETHANNA TORRENTINE.

In Stokes county, on the 18th ultimo, by H. Davis, Esq., Mr. JESSE CONRAD to Miss NANCY LINEBACH.

In Stokes county, on the 18th ult., by Solomon Davis, Esq., Mr. SAMUEL SEYMOUR to Miss MARY THA WALL.

In Stokes county, on the 1st instant, CLIBBY ROBERSON, Esq., to Miss SALOME RYMER.

In Stokes county, on the 1st inst., by Wm. A. Lamb, Esq., Mr. JOHN SCOTT to Miss MARY SPANGLER.

In Stokes county, on the 6th instant, by Wm. Sprague, Esq., Mr. REUBEN T. YAWTHER to Miss HARRIET M. TRANBU, of Washington.

In Surry county, on the 18th ultimo, at the house of William Gordon, Mr. WILLIAM JACKSON to Miss ZEALY GORDON.

A Remarriage.—At Salisbury, Massachusetts, on the 10th ultimo, by the Rev. Mr. Cranberry, Mr. NEREMIAH BLACKBERRY, to Miss CATHERINE ELDERBERRY, of Danbury.—[We hope none of their descendants will ever prove to be good-barrons.]

DEPARTED THIS LIFE.

In Lexington, on the 3rd inst., Mr. GEORGE KELLEY, in the 32nd year of his age.

In Davidson county, on the 9th inst., Miss CATHERINE FRANK.

RANDOLPHS & UNDERHILL,
No. 143 Pearl Street, New York.

[Store formerly occupied by the late firm of Randolph & Disney.]

Respectfully inform the Public that they have constantly on hand a good assortment of

BRITISH AND AMERICAN DRY-GOODS,

And solicit an examination of their Stock by the Southern and Western Merchants who may visit the city, before making their purchases.

Orders promptly and faithfully executed.
New-York, Jan. 17, 1835.—R

Take Notice!

THE Subscriber, Administrator of the estate of Daniel Biles, deceased, hereby gives notice to all persons indebted to said deceased, to come forward and settle the same without delay, as it is desirable to close the business of the estate as soon as possible. Those having claims against the said estate will present them within the time prescribed by law, and duly authenticated, or this notice will be plead in bar of their recovery.
ROBERT N. CRAIG,
Administrator with the Will annexed,
January 17, 1835.

State of North Carolina:
SURRY COUNTY.

Court of Pleas and Quarter-Sessions,
November Term, 1834.

Ambrose Johnson, } Original Attachment, levied
vs. }
John Jackson. } on Land and other property.

IN this case it appearing, to the satisfaction of the Court, that the Defendant, John Jackson, is not an inhabitant of this State: It is therefore ordered, by the Court, that publication be made for six weeks successively in the Western Carolinian, notifying the said Defendant to appear at our said Court of Pleas and Quarter Sessions to be held for said county, at the Courthouse in Beaufort, on the 2d Monday in February next, to show cause, if any he has, why the land and other property levied on shall not be condemned to satisfy the Plaintiff's debt.

Test,
F. K. ARMSTRONG, Clerk.
January 17, 1835.—Gt

Blanks of all Kinds
Kept constantly on hand at this Office, for sale

